



---

## **Iowa Board of Pharmacy February 25-26, 2020 Minutes**

The Iowa Board of Pharmacy met on February 25-26, 2020, in the conference room at 400 S.W. Eighth Street, Des Moines, Iowa.

### **Members Present**

Jason Hansel, Chair  
Edward McKenna, Vice-chair  
Brett Barker  
LaDonna Gratias  
Gayle Mayer  
Dane Nealson  
Joan Skogstrom  
Kathy Stone

### **Compliance Officers**

Christie Carlson  
Curt Gerhold  
Mark Mather  
Sue Mears  
Jean Rhodes  
Dan Sedlacek  
Jennifer Tiffany  
Jim Wolfe

### **Staff Present**

Andrew Funk, Executive Director  
Therese Witkowski, Executive Officer  
Mitch Barnett, Associate Director of PMP  
Tessa Register, Assistant Attorney General  
Amanda Woltz, Administrative Assistant

### **Call to Order**

At 1:00 p.m., Jason Hansel, Chair, called the meeting of the Iowa Board of Pharmacy to order on Tuesday, February 25, 2020.

LaDonna Gratias moved at 1:00 p.m. to move to closed session with Gayle Mayer seconding it. The motion was accepted by roll call vote

Returned to open session at 4:07 p.m.

#### **1. Closed Session Minutes**

Motion by Brett Barker, second by Dane Nealson, to approve the Closed Session Minutes of the January 7-8, 2020, meeting as presented. Motion approved unanimously.

#### **2. Close With No Further Action**

Motion by Brett Barker, second by LaDonna Gratias, to close with no further action the following investigative files in complaint numbers: 2019-0202, 2018-0089, 2019-0160,

2019-0207, 2019-0211, 2019-0207, 2019-0175, 2020-0002, 2019-0192, 2019-0197, 2019-0219, and 2019-0084. Motion passed unanimously.

3. Administrative Warning

Motion by Ed McKenna, second by Brett Barker, to issue an Administrative Warning to all staff in 2019-0209, the PIC in 2020-0001, the pharmacy in 2019-0163, the pharmacy in 2019-0171, and the pharmacist and pharmacy in 2019-0187. Motion passed unanimously.

4. Letter of Education

Motion by Dane Nealson, second by LaDonna Gratias, to issue a Letter of Education to the pharmacy, pharmacist, and technician in 2019-0208, the technician in 2019-0163, the pharmacy and PIC in 2019-0192 and the PIC and pharmacy in 2020-0030. Motion passed unanimously.

5. Voluntary Surrender

Motion by Brett Barker, second by LaDonna Gratias, to approve the voluntary surrender in case 2019-0127. Motion passed unanimously.

6. Combined Statement of Charges, Settlement Agreement, and Final Order

Motion by Dane Nealson, second by Ed McKenna, to approve the Combined Statement of Charges, Settlement Agreement, and Final Order in the following cases. Motion passed unanimously.

A. 2019-0158 Heather Gates, RPh, License 19968, Amana

B. 2019-0035 Wells Pharmacy Network, Nonresident Pharmacy License 3385, Ocala, FL

7. Motion by Brett Barker, second by Dane Nealson, to approve the Findings of Fact, Conclusions of Law, Decision and Order in the following cases. Motion passed unanimously

A. 2019-0049 Amanda Haugen, CPhT, Registration 17633, Forest City

B. 2010-72 Kathy Simonton, CPhT, Registration 4159, Montezuma

At 4:13 p.m., motion by Dane Nealson, seconded by Brett Barker, to adjourn. Motion passed unanimously.

## **Wednesday, February 26, 2020**

### **Members Present**

Jason Hansel, Chair  
Edward McKenna, Vice-chair  
Brett Barker  
LaDonna Gratiias  
Gayle Mayer  
Dane Nealson  
Joan Skogstrom  
Kathy Stone

### **Compliance Officers**

Christie Carlson  
Curt Gerhold  
Mark Mather  
Sue Mears  
Jean Rhodes  
Dan Sedlacek  
Jennifer Tiffany  
Jim Wolfe

### **Staff Present**

Andrew Funk, Executive Director  
Therese Witkowski, Executive Officer  
Mitch Barnett, Associate Director of PMP  
Tessa Register, Assistant Attorney General  
Amanda Woltz, Administrative Assistant

### **Call to Order & Announcements**

At 9:00 a.m., on Wednesday, February 26, 2020, Jason Hansel, Chair, called the meeting of the Iowa Board of Pharmacy to order.

### **Public Comment Period**

None

### **Approval of Minutes**

The open session minutes of the January 7-8, 2020, Open Session Minutes were reviewed.

Motion by Dane Nealson, second by Brett Barker, to approve the Open Session Minutes of the January 7-8, 2020, meeting as presented. Motion passed unanimously.

### **Requests**

1. Technician-Administered Immunization Project Application – Hy-Vee, Inc.

Motion by Brett Barker, second by Dane Nealson, to approve the pilot project and the two waiver requests for rules 657 IAC 39.10 and 39.11. Ed McKenna abstained. Motion passed.

2. Request to waive 657 IAC 17.3(1)“c” requiring evidence of current verified-accredited wholesale distributors (VAWD) accreditation by the NABP – Iowa Department of Public Health, License 8312, Des Moines

Motion by Brett Barker, second by LaDonna Gratias, to approve the request as presented. Motion passed unanimously.

3. Request to waive 657 IAC 17.3(1)“c” requiring evidence of current verified-accredited wholesale distributors (VAWD) accreditation by the NABP – Allegis Pharmaceuticals, LLC, License 7563, Canton, MS

Waiver request withdrawn by licensee.

4. Request to waive 657 IAC 17.3(1)“c” requiring evidence of current verified-accredited wholesale distributors (VAWD) accreditation by the NABP – Amneal Pharmaceuticals, LLC, License 6667, Glasgow, KY

Motion by Brett Barker, second by Dane Nealson, to deny the request. Motion passed unanimously.

5. Request to waive 657 IAC 17.3(1)“c” requiring evidence of current verified-accredited wholesale distributors (VAWD) accreditation by the NABP – Amneal Pharmaceuticals, LLC, License 7986, Glasgow, KY

Motion by Brett Barker, second by Dane Nealson, to deny the request. Motion passed unanimously.

6. Request to waive 657 IAC 17.3(1)“c” requiring evidence of current verified-accredited wholesale distributors (VAWD) accreditation by the NABP – Crown Pharmaceuticals, Inc., License 7707, Harahan, LA

Motion by Kathy Stone, second by Dane Nealson, to deny the request. Motion passed unanimously.

7. Request to waive 657 IAC 17.3(1)“c” requiring evidence of current verified-accredited wholesale distributors (VAWD) accreditation by the NABP – Danox Environmental Services, Inc., License 7944, Cumming, GA

Motion by Brett Barker, second by Dane Nealson, to approve the request until December 31, 2020. Motion passed unanimously.

8. Request to waive 657 IAC 17.3(1)“c” requiring evidence of current verified-accredited wholesale distributors (VAWD) accreditation by the NABP – CutisPharma, Inc., License 5090, Wilmington, MA

Motion by Kathy Stone, second by Dane Nealson, to deny the request. Motion passed unanimously.

9. Request to waive 657 IAC 17.3(1)“c” requiring evidence of current verified-accredited wholesale distributors (VAWD) accreditation by the NABP – Fluvaccine.org Inc., License 8319, San Diego, CA

Motion by Kathy Stone, second by Dane Nealson, to deny the request. Motion passed unanimously.

10. Request to waive 657 IAC 17.3(1)“c” requiring evidence of current verified-accredited wholesale distributors (VAWD) accreditation by the NABP – Medline Industries, Inc., License 6976, Kansas City, MO

Motion by Gayle Mayer, second by Ed McKenna, to approve the request until April 1, 2020. Motion passed unanimously.

11. Request to waive 657 IAC 17.3(1)“c” requiring evidence of current verified-accredited wholesale distributors (VAWD) accreditation by the NABP – Northwind Pharmaceuticals, LLC, License 5698, Indianapolis, IN

Motion by Dane Nealson, second by Brett Barker, to approve the request to allow until June 1, 2020 for the wholesaler to become NCDQS accredited, which can be used in lieu of VAWD accreditation for the 2020 renewal.

12. Request to waive 657 IAC 17.3(1)“c” requiring evidence of current verified-accredited wholesale distributors (VAWD) accreditation by the NABP – South Pointe Wholesale, Inc., License 6047, Glasgow, KY

Motion by Brett Barker, second by Dane Nealson, to approve the request to allow until June 1, 2020 for the wholesaler to become NCDQS accredited, which can be used in lieu of VAWD accreditation for the 2020 renewal.

13. Request to waive 657 IAC 17.3(1)“c” requiring evidence of current verified-accredited wholesale distributors (VAWD) accreditation by the NABP – United Drug Supply, Inc., License 8226, Morrisville, NC

Motion by Brett Barker, second by Dane Nealson, to deny the request. Motion passed unanimously.

14. Request to waive 657 IAC 43.3(1) requiring evidence of current verified-accredited wholesale distributors (VAWD) accreditation by the NABP – CEVA Freight, LLC, License 80049

Waiver request withdrawn by licensee

15. Request to waive 657 IAC 43.3(1) requiring evidence of current verified-accredited wholesale distributors (VAWD) accreditation by the NABP – FedEx Supply Chain, Inc., Applicant, Memphis, TN

Motion by Kathy Stone, second by Dane Nealson, to deny the request. Motion passed unanimously.

### **Petitions for Exemption from Mandate for Electronic Transmission of Prescriptions**

1. Consent Agenda

Motion by Brett Barker, second by Dane Nealson, to approve the Consent Agenda as presented. Motion passed unanimously.

2. Block A

- a. Iowa Digestive Disease Center

Motion by Brett Barker, second by Dane Nealson, to approve to June 30, 2020. Motion approved unanimously.

3. Block B

- a. Dr.s Geyer & Binzer, PC, Randall H. Binzer, DDS, MS

Motion by Brett Barker, second by Joan Skogstrom, to deny the petition. Motion approved unanimously.

- b. A-1 Dental, Ankeny

- c. A-1 Dental, Urbandale

Motion by Brett Barker, second by Dane Nealson, to approve the petitions for non-controlled substances only. Motion approved unanimously.

- d. Dr. Thomas Roed, DDS

Motion by Brett Barker, second by Dane Nealson, to deny the petition. Motion approved unanimously.

- e. Dr. Robert Alt, DDS

Motion by Brett Barker, second by Dane Nealson, to deny the petition. Motion approved unanimously.

4. Block C

- a. Dr. Dave Motz, DDS

Motion by Brett Barker, second by Dane Nealson, to deny the petition. LaDonna Gratiyas recused. Motion passed unanimously.

b. Dr. Betsy Love, MD

Petition was withdrawn by Dr. Love.

c. Metro Care Connection

Motion by Brett Barker, second by Dane Nealson, to approve the petition for non-controlled substances only. Motion passed unanimously.

d. Crawford County Home Health

Motion by Brett Barker, second by Gayle Mayer, to approve the petition for non-controlled substances only. Motion passed unanimously.

e. Hope Haven, Inc

Motion by Dane Nealson, second by Gayle Mayer, to approve the petition to May 6, 2020. Motion approved unanimously.

5. Block D

a. Dr. Gregory Peterson, DO

Motion by Ed McKenna, second by Dane Nealson, to deny the petition. Motion approved unanimously.

b. Dr. Todd Conway, MD

Motion by Brett Barker, second by Dane Nealson, to deny the petition. Motion approved unanimously.

6. Block E

a. Eldora Family Dentistry and Orthodontics

Motion by Brett Barker, second by Gayle Mayer, to approve the petition for a maximum of 50 non-controlled substance prescriptions annually. Motion approved unanimously.

b. Dr. Ann Connors, DDS

Motion by Brett Barker, second by Dane Nealson, to deny the petition. Motion passed unanimously.

7. Block F

a. Dr. Kurtis Korver, MD

Motion by Kathy Stone, second by Dane Nealson, to deny the petition. Motion passed unanimously.

b. A+ Iowa Dental

Motion by Brett Barker, second by Gayle Mayer, to approve the petition to June 30, 2020. Motion passed unanimously.

8. Block G

a. Adel Vision Clinic, LLC

Motion by Brett Barker, second by Gayle Mayer, to approve the petition for a maximum of 50 non-controlled substance prescriptions annually. Motion approved unanimously.

9. Block H

a. Rebecca Nunn-Ryan, ARNP

Motion by Brett Barker, second by Dane Nealson, to deny the petition. Motion approved unanimously.

b. Above & Beyond Hospice

Motion by Brett Barker, second by Ed McKenna, to deny the petition. Motion approved unanimously.

c. Valerie Knedler, ARNP

Motion by Brett Barker, second by Gayle Mayer, to approve the petition for a maximum of 50 non-controlled substance prescriptions annually. Motion approved unanimously.

d. Robert Detlefsen, ARNP

Motion by Brett Barker, second by Gayle Mayer, to deny the petition. Motion approved unanimously.

e. Jacqueline Garden, ARNP

Motion by Joan Skogstrom, second by Brett Barker, to deny the petition. Motion approved unanimously.

f. Siouxland Adult Medicine Clinic

Motion by Brett Barker, second by Dane Nealson, to deny the petition. Motion approved unanimously.

g. Dr. Karen Anersson, OP

Motion by Brett Barker, second by Ed McKenna, to deny the petition. Motion approved unanimously.

h. Drake Student Health



Motion by Joan Skogstrom, second by Dane Nealson, to deny the petition. Brett Barker, Gayle Mayer, and LaDonna Gratias in favor. Jason Hansel, Ed McKenna, and Kathy Stone opposed. Motion passed.

### **Licensure/Registration Applications**

1. Boca Pharmacy, Pharmacy Applicant, Bronx, NY

Motion by Brett Barker, second by Dane Nealson, to deny the application. Motion approved unanimously.

2. Debra Sanders, PSP Applicant, Council Bluffs

Motion by Dane Nealson, second by Gayle Mayer, to deny the application. Motion approved unanimously.

### **Reports & Informational Items**

1. Executive Director's Report

#### **Board Member Appointments**

- Gayle and Brett have both been reappointed to their second term. The appointment is contingent upon Senate confirmation which typically takes place around the first or second week of March.
- LaDonna Gratias will finish her third term on the Pharmacy Board on April 30, 2020.
- LaDonna's position has been filled by Sherill Whisenand. Her first meeting will be May 5-6, 2020

#### **Staffing:**

- Human Resources position
  - The Department has been granted approval to proceed with procuring a temporary human resources professional to serve the four Boards. DAS suggested the Department consider the position for a temporary status to better ascertain the need and workload of the position. The individual will be stationed at RiverPoint but will report to Susan Dixon at the Department. The job has been posted and the state will be accepting candidates until 3/5/20.
- Deputy Director
  - No update on this position at this time.

#### **Licensing:**

- The online application for CSA Individuals is expected to go live on or around March 1st.
- Staff continues to work on the requirements for the remaining license/registration types.

### **Practice Act Rewrite Task Force**

- IPA and the Board sent out a survey to licensed pharmacists and technicians for volunteers to serve on the task force. We plan to have 10-12 participants and will collect feedback across the state from licensees.

## 2. Meetings and Travel

- |                                   |             |               |
|-----------------------------------|-------------|---------------|
| • 2020 COAP National Forum        | March 9-12  | Arlington, VA |
| ○ Mitch                           |             |               |
| • IMP3 Meeting                    | March 11    | Des Moines    |
| • MPJE Item Development Workshop  | March 11-13 | Northbrook IL |
| ○ Sue/Andrew                      |             |               |
| • Rules Committee                 | March 24    | Des Moines    |
| • Rx Drug Abuse and Heroin Summit | April 13-16 | Nashville, TN |
| ○ Andrew and Mitch                |             |               |
| • Next Board Meeting              | May 5-6     | Des Moines    |
| • NABP Annual Meeting             | May 14-16   | Baltimore, MD |

## 3. PMP

Mitch Barnett provided a program update.

## 4. Medication Disposal Update

Jennifer Tiffany provided a program update.

## 5. IMP3 Report

Becky Carlson provided a program update.

## Rules and Legislation

1. Update on Legislation related to the Board, the Practice of Pharmacy, the PMP, and Controlled Substances.

Compliance Officer Sue Mears provided a legislative update.

2. Proposed Termination of Rulemaking for Chapter 6, “General Pharmacy Practice,” (ARC 4694C)

Motion by Brett Barker, second by Gayle Mayer, to terminate the rule making. Motion passed unanimously.

3. Proposed for Adoption and Filing to amend Chapter 17, “Wholesale Distributor Licenses,” Chapter 42, “Limited Distributor Licenses,” and Chapter 43, “Third-Party Logistics Provider Licenses,” (ARC 4691C)

The amendments provide the process by which a limited distributor, wholesale distributor, or third-party logistics provider (3PL) would notify the board of a change in

facility manager, and by which the license of the wholesale distributor or 3PL would be modified to reflect a change in facility manager. The amendments also correct references to the Iowa Code.

Motion by Brett Barker, second by Dane Nealson, to adopt. Motion passed unanimously.

4. Proposed for Adoption and Filing to amend Chapter 8, “Universal Practice Standards,” (ARC 4695C)

The amendments; replace the phrase “tech-check-tech program” with “technician product verification program” throughout the Board’s rules, require a nonresident pharmacy applicant to identify a registered location located in Iowa, extend the time frame in which a pharmacy must respond to a request for original records from 48 to 72 hours, amend language relating to requirements for closing a pharmacy which may be exempt in the event of an unforeseeable closure, and simplify the rule relating to the delivery of prescription drugs.

Motion by Brett Barker, second by Dane Nealson, to adopt. Motion passed unanimously.

5. Proposed for Notice of Intended Action to amend Chapter 8, “Universal Practice Standards” to clarify that patient information which is needed for a pharmacist to conduct drug utilization review shall be obtained and that the collection of such information can be delegated to a pharmacy technician.

Motion by Brett Barker, second by Dane Nealson, to file for Notice of Intended Action. Motion passed unanimously.

6. Proposed for Notice of Intended Action to amend Chapter 1, “Purpose and Organization,” and Chapter 8, “Universal Practice Standards” to update language to be consistent with changes made to the Code during the 2019 legislative session.

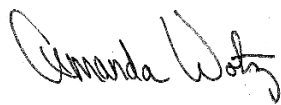
Motion by Brett Barker, second by Dane Nealson, to file for Notice of Intended Action. Motion passed unanimously.

7. Vote on Nicotine-replacement Statewide Protocol
8. Vote on Naloxone Statewide Protocol
9. Vote on Immunizations Statewide Protocol.

Motion by Brett Barker, second by Dane Nealson, to approve the Statewide Protocols. Motion passed unanimously.

At 1:22 p.m., motion by LaDonna, seconded by Ed McKenna, to adjourn. Motion passed unanimously.

---



---

Amanda Woltz, Administrative Assistant and Recording Secretary



---

Andrew Funk  
Executive Director



---

Jason Hansel  
Board Chair

PASSED THIS 5th DAY OF MAY, 2020